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acting by and through the DEPARTMENT OF TRANSPORTATION;
DALE BONNER, WILL KEMPTON and PEDRO ORSO-DELGADO

UNITED STATES DISTRICT COURT

Southern District of California

SAN DIEGO MINUTEMEN, An Unincorporated Association,

Plaintiff,

VS.

CALIFORNIA BUSINESS TRANSPORTATION,
AND HOUSING AGENCY'S DEPARTMENT
OF TRANSPORTATION; DALE BONNER,
Individually and in his Official Capacity as
Agency Director, Business, Transportation and
Housing Agency; WILL KEMPTON, Individually
and in his Official Capacity as Caltrans Director;
PEDRO ORSO-DELGADO, Individually and in
his Official Capacity as Caltrans District Director
and DOES 1 through 10,

Defendant

Case No.: 08 CV 0210 WQH RBB

REQUEST FOR JUDICIAL NOTICE

No oral argument unless requested by the Court

Date: April 1, 2008
Time: 11:00 a.m.
Courtroom: 4
Judge: William Q. Hayes

Defendants, by and through their attorney, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of the following facts:

1. Caltrans Adopt-a-Highway Program Guidelines and Coordinators Handbook, a copy of which is attached hereto as Exhibit 1.

While documents not included in the original pleading generally cannot be considered on a Federal Rule of Civil Procedure 12(b)(6) motion without converting the motion into one for summary judgment, an exception exists for documents the authenticity of which are not disputed by the parties, official records, documents central to plaintiffs' claim and documents sufficiently

1 referred to in the complaint. Mack v. South Bay Beer Distributors, 798 F.2d 1279, 1282 (9th
2 Cir. 1986); Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993).

3 The Caltrans Adopt-a-Highway Program Guidelines and Coordinator's handbook is an
4 official record which is central to plaintiff's claim. The authenticity of this document is not in
5 dispute by the parties. Because this document is an official record central to plaintiff's claim and
6 its authenticity is not in dispute, the Court is able to take judicial notice of this document without
7 converting defendants' motion for dismissal pursuant to Federal Rule of Civil Procedure 12(b)
8 into one for summary judgment.

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10 Dated: _____

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Stephanie D. Martin, Deputy Attorney
14 Attorneys for Defendant State of California
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